

Jean L. Kiddoo
Brett P. Ferenchak
jean.kiddoo@bingham.com
brett.ferenchak@bingham.com

February 26, 2010

Via ECFS

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Suite TW-A325
Washington, DC 20554

Re: Local Fiber, LLC (Form 499 Filer ID 823360)

**2010 CPNI Compliance Certification covering calendar year 2009
EB Docket No. 06-36**

Dear Ms. Dortch:

On behalf of Local Fiber, LLC, and pursuant to 47 C.F.R. § 64.2009(e), enclosed is the company's CPNI Certification for calendar year 2009.

Respectfully submitted,



Jean L. Kiddoo
Brett P. Ferenchak

Counsel for Local Fiber, LLC

Enclosure

cc: Best Copy and Printing, Inc. (FCC@BCPIWEB.COM)

Boston
Hartford
Hong Kong
London
Los Angeles
New York
Orange County
San Francisco
Santa Monica
Silicon Valley
Tokyo
Walnut Creek
Washington

Bingham McCutchen LLP
2020 K Street NW
Washington, DC
20006-1806

T 202.373.6000
F 202.373.6001
bingham.com

A/73307276.1

Annual 47 C.F.R. § 64.2009(e) CPNI Certification
EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2010 covering the January 1, 2009 through September 8, 2009.¹

Date filed: February 26, 2010

Name of company covered by this certification:

Local Fiber, LLC

Form 499 Filer ID:

823360

Name of signatory: Arthur Valhuerdi

Title of signatory: Vice President of Engineering at Zayo Collocation, Inc., a parent company of Local Fiber, LLC

Certification:

I, Arthur Valhuerdi, was Vice President of Infrastructure at Local Fiber, LLC ("Local Fiber"), until September 9, 2009, when Local Fiber was acquired by Zayo Group, LLC. I am currently Vice President of Engineering of Local Fiber's parent company, Zayo Collocation, Inc. (formerly known as FiberNet Telecom Group, Inc.) ("Parent"). No current corporate officer of Local Fiber was an officer of Local Fiber prior to September 9, 2009, and, therefore, no current corporate officer of Local Fiber has personal knowledge of the representations in this Certification. For that reason, I am providing a declaration regarding this certification as the former Vice President of Infrastructure of Parent for the period of January 1, 2009 through September 9, 2009 (the "Period"). For the Period, I certify that I was an officer of Parent, and was acting as an agent of Local Fiber, that I have personal knowledge that Local Fiber established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See 47 C.F.R. § 64.2001 et seq.*

Attached to this certification is an accompanying statement explaining, for the Period, how Local Fiber's procedures ensured that Local Fiber was in compliance with the requirements (including those mandating the adoption of CPNI procedures, training, recordkeeping, and supervisory review) set forth in section 64.2001 *et seq.* of the Commission's rules.

Local Fiber did not take actions (*i.e.*, proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers during the Period.

Local Fiber did not received any customer complaints during the Period concerning the unauthorized release of CPNI.

¹ A separate certification covering the period from September 9, 2009 to December 31, 2009, is being filed by a current officer of Local Fiber.

The company represents and warrants that the above certification is consistent with 47 C.F.R § 1.17 which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.

Signed 
Arthur Valhuerdi

CERTIFICATION OF CPNI FILING OF LOCAL FIBER, LLC
FEBRUARY 26, 2010
EB Docket No. 06-36; EB-06-TC-060

Statement of CPNI Procedures and Compliance

Prior to being acquired by Zayo Group, LLC on September 9, 2009, Local Fiber, LLC (“Local Fiber”) had the following operational procedures that protected its customers’ CPNI:

Local Fiber did not use or permit access to CPNI to market any services outside of the “total services approach” as specified in 47 CFR §64.2005. Nor did Local Fiber allow affiliates or third parties access to CPNI for marketing-related purposes. If any of Local Fiber had elected to use CPNI in a manner that does require customer approval, it would have followed the applicable rules set forth in 47 CFR §64.2001 *et seq.*, including the institution of operational procedures to ensure that the appropriate notification is provided and customer approval is obtained before CPNI is used or disclosed. Local Fiber would develop and implement an appropriate tracking method to ensure that customers’ CPNI approval status can be verified prior to using CPNI for marketing-related purposes. Local Fiber would also adopt the requisite record-keeping requirements should they use CPNI in the future for marketing-related purposes.

Consistent with the Commission’s rules, Local Fiber may use, disclose, and permit access to CPNI without customer approval for the purposes of: (1) billing and collecting for services rendered; (2) protecting the rights and property of Local Fiber, other users, and other carriers from unlawful use; (3) providing inside wiring, installation, maintenance, and repair services; and (4) providing or marketing services that are within the same class of services to which the customer already subscribes.

Local Fiber did not engage in marketing when a customer makes an inbound call to Local Fiber. Should Local Fiber change this practice, the company will, in accordance with the CPNI rules, obtain a customer’s oral authorization that Local Fiber’s customer service representatives may access a customer’s CPNI during the course of an inbound or outbound telephone conversation, solely for the duration of that conversation. Each such representative of Local Fiber will be required to provide the disclosures demanded by 64.2008(c) of the CPNI rules including informing customers of their right to deny access to the CPNI before requesting this one-time consent.

To the extent that Local Fiber obtained call detail records, Local Fiber would not provide CPNI without proper customer authentication or provide call detail records over the phone. Call detail records would be provided exclusively via e-mail or U.S. mail, to the postal or electronic address of record. In order to authenticate a customer’s identity prior to disclosing CPNI, Local Fiber would authenticate the customer using a variety of methods. Local Fiber would inform customers of change of address in a manner that conforms with the relevant rules.

Local Fiber implemented procedures to provide law enforcement with notice should a breach of CPNI occur. After notifying law enforcement and unless directed otherwise, Local Fiber will notify affected customers. Local Fiber will maintain a record of any CPNI-related breaches for a period of at least two years.

Local Fiber provided training concerning CPNI compliance. All employees of Local Fiber were required to maintain the confidentiality of all information, including customer information that was obtained as a result of their employment by Local Fiber. Employees of Local Fiber who did not abide by these policies or otherwise permit the unauthorized use or disclosure of CPNI would be subject to discipline, including possible termination.